

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

**ALLEN D. O'BRYANT,**

**Plaintiff,**

**v.**

**DR. PITTS (MEDICAL PROVIDER)  
et al.,**

**Defendants.**

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**Case No. CIV-22-964-G**

**ORDER**

Plaintiff Alen D. O'Bryant, a state prisoner appearing pro se, filed this federal civil rights action and an application seeking leave to proceed *in forma pauperis*. The matter was referred to Magistrate Judge Suzanne Mitchell for initial proceedings in accordance with 28 U.S.C. § 636.

On November 21, 2022, Judge Mitchell issued a Report and Recommendation (Doc. No. 5) finding that Plaintiff has available funds sufficient to prepay the \$402.00 filing fee and recommending that Plaintiff's application for leave to proceed *in forma pauperis* be denied.

In the Report and Recommendation, Judge Mitchell advised Plaintiff of his right to object to the Report and Recommendation by December 12, 2022. Judge Mitchell also advised that a failure to timely object would constitute a waiver of the right to appellate review of the factual findings and legal conclusions contained in the Report and Recommendation. As of this date, Plaintiff has not filed any objection to the Report and Recommendation or sought leave for additional time to do so.

Accordingly, the court ADOPTS the Report and Recommendation (Doc. No. 5) in its entirety. Plaintiff's application for leave to proceed *in forma pauperis* (Doc No. 2) is DENIED.

Plaintiff is advised that unless he pays the \$402.00 filing fee in full to the Clerk of the Court on or before March 24, 2023, or shows good cause for his failure to do so, this action shall be subject to dismissal without prejudice. *See* LCvR 3.3(e).

IT IS SO ORDERED this 3rd day of March, 2023.

  
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CHARLES B. GOODWIN  
United States District Judge